

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

2007 JUL 26 P 2:21

E-FILED

V.

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

CRIMINAL COMPLAINT

Ramon Carlos LOPEZ-Torres

07 70442

RS

CASE NUMBER:

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, May 23, 2007, in Monterey County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326

I further state that I am a(n) Deportation Officer and that this complaint is based on the following

Official Title

facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

7/26/07

Date

at

Signature of Complainant

San Jose, California

City and State

Richard Seeborg
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

Signature of Judicial Officer

RE: Ramon Carlos LOPEZ-Torres

A 78 090 866

I, Timothy F. Purdy, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

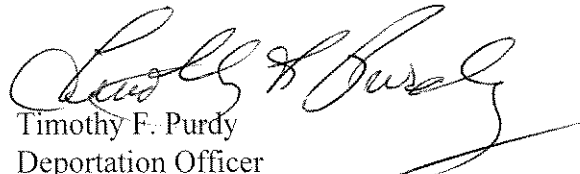
- (1) The DEFENDANT Ramon Carlos LOPEZ-Torres, is a 38-year-old male, citizen and native of Mexico, born on August 10, 1968, substantiated by multiple statements made to that effect by the DEFENDANT to INS and then ICE officers beginning March 21, 1999 up to and including his most recent sworn statement on May 23, 2007;
- (2) The DEFENDANT has been assigned Alien Registration number of A78 090 866, FBI number of 245237PA2, and California Criminal State ID Number of 9968710;
- (3) On March 21, 1999, the DEFENDANT was determined to be unlawfully present in the United States by the U.S. INS District Director Calexico, CA and ordered deported from the United States to Mexico;
- (4) On October 9, 2001, the DEFENDANT was determined to be unlawfully present in the United States by the U.S. INS District Director Westminster, CA and ordered deported from the United States to Mexico;
- (5) On March 4, 2002, the DEFENDANT was convicted in the Superior Court of California/County of Orange, for the offense of: POSSESSION OF A CONTROLLED SUBSTANCE FOR SALE/ Methamphetamine, a felony, in violation of California Health and Safety Code Section 11378 and was sentenced to one year and four months in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(D);
- (6) On July 3, 2003, the DEFENDANT was determined to be unlawfully present in the United States by the U.S. INS District Director Westminster, CA and ordered deported from the United States to Mexico;
- (7) On August 20, 2003, the DEFENDANT was convicted in the Superior Court of California/County of Orange, for the offense of: POSSESSION OF A CONTROLLED SUBSTANCE/Methamphetamine), a felony, in violation of California Health and Safety Code Section 11377(A) and was sentenced to one year and four months in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(D);

RE: Ramon Carlos LOPEZ-Torres

A 78 090 866

- (8) On May 18, 2004, the DEFENDANT was determined to be unlawfully present in the United States by the U.S. ICE Field Director San Diego, CA and ordered deported from the United States to Mexico;
- (9) On June 30, 2005, the DEFENDANT was convicted in the Superior Court of California/County of Orange, for the offense of: POSSESSION OF A CONTROLLED SUBSTANCE FOR SALE/ Methamphetamine, a felony, in violation of California Health and Safety Code Section 11378 and was sentenced to one year and four months in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(D);
- (10) On March 6, 2006, the DEFENDANT was determined to be unlawfully present in the United States by the U.S. ICE Field Director San Diego, CA and ordered deported from the United States to Mexico;
- (11) On October 31, 2006, the DEFENDANT was convicted in the Superior Court of California/County of Orange, for the offense of the following two offenses: POSSESSION OF A CONTROLLED SUBSTANCE FOR SALE/ Methamphetamine, a felony, in violation of California Health and Safety Code Section 11378 and POSSESSION FOR SALE/Marijuana, a felony, in violation of California Health and Safety Code Section 11359 and was sentenced to two years in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(D);
- (12) On, May 23, 2007, the DEFENDANT was encountered by IEA Sean Ramsay, at the California Training Facility-Soledad, and determined to be unlawfully present in the United States after a prior deportation at which point IEA Ramsay advised the DEFENDANT of his Miranda rights in the Spanish language. The DEFENDANT waived his Miranda rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Secretary of the Department of Homeland Security or the United States Attorney General to reenter the United States;
- (13) The DEFENDANTS official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;

- (14) Based on the above stated information, this Officer believes there is sufficient probable cause that the DEFENDANT is present within the United States in violation of Title 8, United States Code, Section 1326.


Timothy F. Purdy
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 26th day of July, 2007


Richard Seeborg
UNITED STATES MAGISTRATE JUDGE